

DEC. 8. 2005 2:57PM

OBLON, SPIVAK

PAT 05/12/09-0072
NO. 392 P. 3



DOCKET NO: 206580US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

HIDETAKA IWAI, ET AL.

SERIAL NO: 09/842,161

FILED: APRIL 26, 2001

FOR: EMULSION COSMETIC

: EXAMINER: YU, GINA C.

: GROUP ART UNIT: 1617

DECLARATION UNDER 37 C.F.R. § 1.132

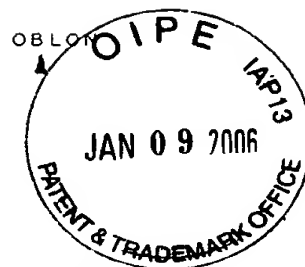
COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes Hidetaka Iwai who deposes and states:

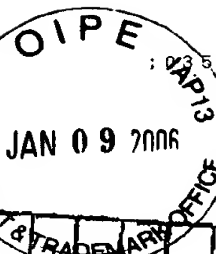
1. That I am a graduate of Waseda University, and received a Master's degree in the year 1989.
2. That I have been employed by Kao Corporation for 14 years as a researcher in the field of skin care cosmetics.
3. That I understand the English language or, at least, that the contents of the Declaration were made clear to me prior to executing the same.
4. That the following experiments were carried out by me or under my direct supervision and control.
5. The attached table compares the properties of a representative number of prior art compositions (Examples 28, 31 and 32) with similar compositions in which the ratio of oil: surfactant was above 11.67: 1 as required by the present invention. (The data in the table are

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described based on parts by weight (rather than % by weight), e.g., the sum of the components in Example 28 of the cited reference is 110 rather than 100.

6. Examples 28, 31 and 31 as well as the comparative test examples shown in the table were each formulated with a surfactant having a dynamic surface tension outside the range required by the present claims, i.e., above 57 mN/m. These results show that merely increasing the ratio of oily component to surfactant in the prior art compositions does not account for the superior transparency obtained by the claimed emulsions which use surfactants having a dynamic surface tension of less than 57 mN/m (see the high transparency values for the compositions Examples 1 and 11 in the table).



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patent
Example

Specification Ex. 1	Specification Ex. 11	IP63 126542 Ex. 28	Comparison to Ex. 28	IP63 126542 Ex. 31	Comparison to Ex. 31	IP63 126542 Ex. 32	Comparison to Ex. 32
N-Stearoylarginine monosodium salt	0.5	12					
Oleic acid triethanolamine							
Cetyltrimethylammonium Bromide		6	0.5				
Dicetyltrimethylammonium Bromide				8	1		
Cetanol							
Stearyl alcohol	0.67					6	12
Ceramides analogue*	0.33						
Dimethyl polysiloxane (6 mm ² /g)	5.1	5					
liquid paraffin		19.2					
Squalane							
Isopropyl myristate			40	12			
Glycerol							
Dipropylene glycol	3.6	14.1				5	22
Purified water	2					29	12
Ethanol	82.6	52.8	5	10	10	10	10
oil/surfactant ratio	5	7.7	78.8	70	77		
Average particle size (µm)	12.6	20.2				50	74.6
Light transmittance (%)	0.09	0.09	12	1.5	12	5.7	11.8
	87.8	80.2	2.5	0.07	1.6	0.1	0.8
			3.3		5.4		15.3

(parts by weight)

Ceramides analogue; N-(2-hydroxy-3-hexadecyloxypropyl)-N-2-hydroxyethylhexadecanamide

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7. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

8. Further deponent saith not.


Signature

12/28/2005
Date